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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,677	04/05/2001	Francois Court	ATOCM-195	6526

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EXAMINER

AUGHENBAUGH, WALTER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,677

Applicant(s)

COURT ET AL.

Examiner

Walter B. Aughenbaugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

REPEATED REJECTIONS

1. The 35 U.S.C. 103 rejection of claims 1, 2, 8-11, 13, 15, 16, 18 and 21-23 that was repeated in paragraph 6 of the previous Office Action mailed December 14, 2004 has been repeated for the reasons previously made of record.
2. The 35 U.S.C. 103 rejections of claims 3-7, 12, 14, 17, 19 and 20 that were repeated in paragraph 7 of the previous Office Action mailed December 14, 2004 have been repeated for the reasons previously made of record.
3. The 35 U.S.C. 103 rejection of claim 24 that was repeated in paragraph 8 of the previous Office Action mailed December 14, 2004 has been repeated for the reasons previously made of record.

RESPONSE TO DECLARATION UNDER 37 C.F.R. 1.132

4. The declaration filed June 14, 2005 has not been considered since it is unsigned. Applicant states that the declaration is unsigned in the last line of page 4 of the Response filed June 14, 2005. A signed declaration has not been entered into the IFW file as of the date of preparation of this Office Action.

Response to Arguments

5. Applicant's arguments regarding the 35 U.S.C. 103 rejections of record presented on pages 2-5 of the Response filed June 14, 2005 have been fully considered but are not persuasive.

Applicant argues that Witschard does not teach the claimed A block, which is claimed as being compatible with the claimed fluororesin, in the third paragraph of page 2 of the Response filed June 14, 2005. However, as made of record in paragraph 15 of Paper 15, Witschard teaches

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the claimed A block at col. 8, lines 32-44. A block that corresponds to block A as claimed by Applicant falls within the scope of the teaching of Witschard at col. 8, lines 32-44: the lower alkyl ester of acrylic acid taught by Witschard at col. 8, lines 40-43 is compatible with the fluoro-resin, as evidenced at col. 12, lines 30-34.

In the paragraph bridging pages 2 and 3 of the Response filed June 14, 2005, Applicant makes textbook citations to support Applicant's argument that since "the use of" an alkyl ester of an acrylate or methacrylate "requires special handling and techniques" Witschard does not teach the claimed A block, but Applicant's textbook citations serve only to establish that one of ordinary skill in the art recognizes that the triblock copolymer claimed by Applicant can be formed under known favorable polymerizations conditions, e.g., in Applicant's words, "using specified initiators, solution concentration and reaction temperatures" in the case of polymethylmethacrylate.

In the first full paragraph of page 3 of the Response filed June 14, 2005, Applicant argues that Witschard's use of the term "comonomer units" in line 39 of col. 8 excludes a block of these comonomer units from scope of the teaching of Witschard, but the term "comonomer units" in fact includes the condition where the comonomer units are polymerized as a block. The "a" monomers, "b" monomers and "c" monomers which are polymerized to form an ABC triblock copolymer are all comonomers; one of ordinary skill in the art recognizes this. When read in the context of the condition where the comonomer units are polymerized to form a block of a triblock copolymer (a condition which falls within the scope of Witschard), the term "minor proportions" indicates that that particular block is smaller than the other two blocks of the triblock copolymer.

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Applicant's argument in the paragraph bridging pages 3 and 4 of the Response filed June 14, 2005 that "methacrylates and acrylates are distinct in terms of polymerizability" is off-point because methacrylic acid is an acrylic acid (see paragraph bridging pages 4 and 5 of the previous Office Action mailed December 14, 2004). Furthermore, the teaching in the Webster article that, in Applicant's words, "where polar functional groups are present, the polymerization tends to cease" is not a definitive teaching regarding the triblock copolymer taught by Witschard.

Applicant argues that the unsigned declaration filed June 14, 2005 (Applicant states that the declaration is unsigned in the last line of page 4 of the Response) states that Witschard does not teach the claimed triblock copolymer because the teaching of Witschard at col. 8, lines 35-44 "is simply an erroneous teaching" (page 4 of the Response; it is stated that the teaching of Witschard at col. 8, lines 35-44 "is totally wrong" in the last two lines of page 2 of the unsigned declaration); however, Witschard teaches the triblock copolymer which is claimed in claim 1 of the instant application for the reasons previously made of record. Regardless of whether or not the teaching of Witschard at col. 8, lines 35-44 is correct, Witschard teaches what Witschard teaches. Applicant has not provided evidence that objectively proves that the teaching of Witschard at col. 8, lines 35-44 "is simply an erroneous teaching".

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

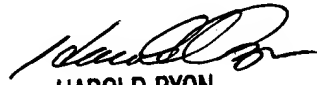
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is 571-272-1488. The examiner can normally be reached on Monday-Thursday from 9:00am to 6:00pm and on alternate Fridays from 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter B. Aughenbaugh
08/18/05

WBA


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772 8/19/05